

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 15, 1999
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Mann, Nakanishi, Pennino and Land (Mayor)

Absent: Council Members – Hitchcock

Also Present: City Manager Flynn, Public Works Director Prima, Community Development Director Bartlam, Finance Director McAthie, Police Chief Hansen, Electric Utility Director Vallow, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Father Matters, St. John the Baptist Episcopal Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Land.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Land presented a proclamation to Karen Hollander, President, and Marilyn Majernik, Corresponding Secretary, with the Emblem Club, proclaiming the week of September 19 – 25, 1999 as "National Emblem Week" in the City of Lodi. Pearl Sanguinetti, a charter member of the Emblem Club, was introduced. Mayor Land presented Ms. Sanguinetti with a bouquet of roses in celebration of her birthday.
- b) Mayor Land presented a proclamation to Carol D. Theuriet, Second Vice-Regent with the Daughters of the American Revolution, proclaiming the week of September 17 – 23, 1999 as "Constitution Week" in the City of Lodi.
- c) Andrea Daniel with the Greater Lodi Area Youth Commission announced the Teen of the Month as Lorena Magana-Ortiz from Plaza Robles High School, and the Honorary Teen of the Month as Tacie Kiser.

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Mayor Land, Nakanishi second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$3,014,251.59.
- b) The minutes of August 25, 1999 (Special Meeting), September 1, 1999 (Regular Meeting), and September 7, 1999 (Special Meeting) were approved as written.
- c) Adopted Resolution No. 99-137 approving the City's annual investment policy and internal control guidelines.
- d) Adopted Resolution No. 99-138 authorizing the purchase of 16 padmount transformers from Howard Industries, Laurel, Mississippi, as follows, in the amount of \$27,086.20:

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|-------------------------------------|-------------|
| 10 ea. 50KVA Single-Phase Padmounts | \$15,623.75 |
| 6 ea. 75KVA Single-Phase Padmounts | \$11,462.45 |

(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)

- e) Agenda item #E-5 entitled, "Award contract for Softball Complex Bleacher Replacement, 401 North Stockton Street" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- f) Adopted Resolution No. 99-140 awarding the contract for five compressed natural gas (CNG) buses to North American Bus Industries (NABI), of Moorpark, California, in the amount of \$1,764,042, and appropriated funds in accordance with staff's recommendation. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- g) Agenda item #E-7 entitled, "Multimodal Station Contract Change Orders" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- h) Accepted the improvements under the "Tienda Drive at Mills Avenue Sanitary Sewer Pump Station Improvements" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- i) Adopted Resolution No. 99-141 accepting the development improvements for Bridgetown, Unit No. 3, Tract No. 2864.
- j) Adopted Resolution No. 99-142 accepting the development improvements for 1300 East Vine Street.
- k) Adopted Resolution No. 99-143 authorizing the City Manager to submit local, state and federal grant applications for design and engineering, remodeling and construction grants for the Public Safety Building Project.
- l) Adopted Resolution No. 99-144 authorizing the City Manager to submit claims to the San Joaquin Council of Governments (SJCOC) for the Measure K Bicycle Program.
- m) Approved the Downtown Lodi Business Partnership (DLBP) 2000 Annual Report and Budget as submitted by the DLBP Board of Directors and in accordance with Section 11.0 of City Ordinance No. 1654.
- n) Agenda item #E-14 entitled, "Professional services contract with Resource Management International, Inc. (RMI) for Electric Distribution Assistance" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- o) Adopted Resolution No. 99-146 authorizing augmentations and transfers of \$2,200,629 to Electric Utility Department Capital Projects through fiscal year 1998-99. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- p) Authorized the City to join the amicus brief in the case of Brewer v. City of Napa, Ninth Circuit Court of Appeals, Case No. 98-16460.
- q) Agenda item #E-17 entitled, "Plans and specifications and advertisement for bids for constructing portions of Lodi Lake Beach and West Side Trail Improvements" was removed from the Consent Calendar and discussed following approval of the Consent Calendar.
- r) Accepted the improvements under the Lodi Lake Wading Pool, 1101 West Turner Road contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.

- s) Agenda item #E-19 entitled, "Authorize City Manager to sign construction agreement with Job Corps/Operating Engineers for construction of Lodi Lake Beach/West Side Trail Project" was removed from the Consent Calendar and discussed following approval of the Consent Calendar.
 - t) Adopted Resolution No. 99-148 authorizing the City Manager to submit a grant application for the Recreational Trails Program (RTP) for the west side of Lodi Lake.
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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-5 entitled, "Award contract for Softball Complex Bleacher Replacement, 401 North Stockton Street".

Parks Superintendent Dauber reported that this project replaces existing bleachers that do not meet Americans with Disabilities Act (ADA) and Building Code requirements. Only one bid was received as follows:

| | |
|---------------------------------|-------------|
| Benton Fence and Drilling, Galt | \$56,196.29 |
|---------------------------------|-------------|

Mayor Land indicated a concern that the engineer's estimate for this project was \$50,000, and the only bid that was received was in the amount of \$56,196.29. Parks Superintendent Dauber advised the Council that this project had previously gone out for bid and resulted in the bid(s) being rejected and staff being directed to readvertise for bids. Also Mr. Dauber indicated that the number of businesses dealing in this kind of work is very limited.

Discussion followed with additional questions being asked of Mr. Dauber. The Council recommended that future like Council Communications reflect if a project had previously gone out for bid and if the bids had been rejected.

The City Council, on motion of Mayor Land, Pennino second, unanimously adopted Resolution No. 99-139 awarding the contract for Softball Complex Bleacher Project to the sole bidder, Benton Fence & Drilling of Galt, in the amount of \$56,196.29 and appropriated funds in accordance with staff's recommendation.

- b) Agenda item #E-7 entitled, "Multimodal Station Contract Change Orders".

Public Works Director Prima reported that in accordance with the Contract Change Order Policy, the City Council was being informed of change orders approved by the City Manager for this project since the July 7, 1999 Council meeting. The original contract for this project was \$2,372,000. The total cost of change orders to date is \$161,112.34 (or six percent). The project is approximately 98% complete. Detailed below is a complete description of the work involved in these change orders. More detailed descriptions and backup information for the change orders is available in the Public Works Department.

Change Order No. 23 – This change order is for the removal and replacement of additional curb and gutter on Walnut Street east of Sacramento Street (\$1,212.00).

Change Order No. 24 – This change order is for the addition of code-required structural hold-down straps at the clock tower (\$2,759.00).

Change Order No. 25 – This change order covers the cost of saw cutting a concrete expansion joint along the full length of the railroad platform to help isolate movement of the concrete (\$2,845.00).

Change Order No. 26 – This change order covers the cost of added site irrigation and landscaping (\$1,183.00).

Change Order No. 27 – This change order covers the cost of the security doors on each side of the depot lobby counter (\$3,271.00)

Change Order No. 28 – This change order is for the cost of the gates at the trash enclosure. This money was mistakenly included in a credit to the City in Change Order No. 13 (\$1,290.00).

Change Order No. 29 – This change order covers the cost of altering the glu-laminated beam steel support brackets at the pedestrian shelters (\$3,612.00).

Change Order No. 30 – This change order is to add four windowpanes in the depot office to provide natural light to the office (\$333.00).

Change Order No. 31 – This change order covers the cost of adding an access ladder and platform for future maintenance access to the clock tower mechanical room (\$1,648.00).

North Annex Building – The original project site plan called for a building to be constructed on the north side of the depot building to house Greyhound and additional outdoor, shaded seating. This building was removed from the project prior to bid due to budget concerns. The current Multimodal Station Project has progressed to the point where we are nearly complete and construction costs are known. The North Annex can be built as a part of the current project with only a small increase in the budget. At its June 2, 1999 meeting, Council approved the contract with Thompson & Associates for the design of the North Annex building. The 2,500 square foot building will house the Greyhound bus facility, an office and training room for the City transit operation, and a covered patio area. The estimated cost of the North Annex building is \$450,000.00. The City is negotiating a lease with Greyhound.

This matter was removed by Council Member Pennino, who stated that it was his understanding that Change Order No. 25 was the result of contractor error and, therefore, should be the contractor's responsibility. Public Works Director Prima stated that it was his understanding that this Change Order was not a result of contractor error. Further, Mr. Prima responded to additional questions as were posed by the Council.

The City Council, on motion of Council Member Pennino, Nakanishi second, unanimously accepted the Multimodal Station Contract Change Orders.

- c) Agenda item #E-14 entitled, "Professional services contract with Resource Management International, Inc. (RMI) for Electric Distribution Assistance".

(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)

Council Member Nakanishi reminded the City Council and the public of the millions of dollars brought to the City's General Fund by Lodi Electric. Following a request by Council Member Nakanishi, Electric Utility Director Vallow gave the following overview of the proposed professional services contract with RMI.

In order to best be prepared to compete in the future marketplace, the Department has continued to review its day-to-day operations as it developed the recently completed financial plan. These reviews of electric distribution system maintenance and operation activities and associated procedures are intended to ensure that electric utility industry "best practices" are being utilized.

As part of the current review cycle, the Department has identified the following areas for which more detailed audits are recommended:

1. Maintenance Program Development;
2. Operations Programs Development/Safe Clearance Procedures;
3. Technical Services Staffing Review;
4. Drawing Accuracy Process Review;
5. Training Program Development;
6. Parts Inventory Program;
7. Station Security Review;
8. Year 2000 Preparedness; and
9. Integration of Related Utility Duties.

RMI has developed a proposal addressing the work that needs to be done in order to accomplish the above tasks. A four-month long project timeline is envisioned. This outside review will help identify and address any deficiencies in our current operations and insure future efforts and expenditures are devoted to the most important areas.

Also speaking on the matter was Ronald V. Stassi, Managing Director of RMI, who responded to questions as were posed by the City Council.

The City Council, on motion of Council Member Nakanishi, Land second, adopted Resolution No. 99-145 authorizing the City Manager to execute a professional services contract with Resource Management International, Inc. (RMI) for Electric Distribution Assistance not to exceed \$121,000 by the following vote:

Ayes: Council Members – Mann, Nakanishi and Land (Mayor)

Noes: Council Members – None

Absent: Council Members – Hitchcock

Abstain: Council Members – Pennino

- d) Agenda item #E-17 entitled, "Plans and specifications and advertisement for bids for constructing portions of Lodi Lake Beach and West Side Trail Improvements" and agenda item #E-19 entitled, "Authorize City Manager to sign construction agreement with Job Corps/Operating Engineers for construction of Lodi Lake Beach/West Side Trail Project" were removed from the agenda by Mayor Land and discussed together.

#E-17

Parks Superintendent Dauber reported that the Lodi Lake Beach and Trails System Project is a two-phase project. Phase I includes the beach area and along Turner Road from the beach house westward to the Mills Avenue intersection.

The Job Corps/Operating Engineers will be doing the removal of the Turner Road wall and sidewalk, and all the regrading and preparation work for the new trail and improvements. Advertisement of bids is for the following work: park lighting system, electrical, PA system, asphalt trail, fencing, walkways, new bulkhead along lake and a covered shelter.

#E-19

Parks Superintendent Dauber reminded the City Council that the Lodi Lake Beach/Trail project is a two-phase project. Phase I includes the beach, Turner Road from the beach house to Mills Avenue intersection. The Job Corps/Operating Engineer have agreed to do this public service project for the City of Lodi by performing the following work: supply labor and equipment to remove the wall and sidewalk along Turner Road, remove tree root balls, grade for new trail including relocating berm and grading of beach. Value of this service is estimated to be \$50,000. As part of this agreement, the City is to provide fuel for equipment, dust control, traffic control, construction staking, transportation of equipment, and design. This project is scheduled to start in early October.

Mayor Land indicated his deep concern at the removal of the trees at Lodi Lake Park and wondered why the City Council had not been made aware of the plans to cut down the trees. Mayor Land applauded Mr. Dauber on the outstanding job that he does for the City of Lodi, but indicated his displeasure that the City Council had previously requested they be informed prior to any trees being cut down in the City. Mayor Land also asked about the process for giving out the wood from the cut trees, stating that the wood belongs to the citizens of Lodi and they should be given the first opportunity to receive the wood.

Mayor Land additionally stated that when he made an on-site visit of the area, he noticed a lot of duck droppings and expressed his concern that it may be a health issue.

Parks Superintendent Dauber responded to questions regarding the trees and presented a diagram of the overall proposed project. Further, Mr. Dauber presented information on why the decision was made that the subject trees had to be cut down, including the regrading that is being done as part of the overall project.

Council Member Pennino stated that the City Council had received a briefing regarding the project several months ago, but the cutting down of trees was not part of the discussion. Council Member Pennino stated that his main concern is with saving the oak trees, and added that he would like to see every effort made to save the oaks.

Council Member Nakanishi indicated that he trusts Mr. Dauber and knows his love and vision for the area. Council Member Nakanishi stated that change is painful, but that he trusts Mr. Dauber and feels that if he goes ahead with the plan, it will result in a very beautiful area.

Mayor Pro Tempore Mann asked the City Manager if he was aware of the tree removal. City Manager Flynn responded that he was not. Mayor Pro Tempore Mann further stated that he is not satisfied that everything was done to save the trees, and he would like to have the matter reviewed one more time. Mayor Pro Tempore Mann stated that he would like to have a resolution brought back at the next Council meeting directing that the City Manager be apprised in advance of any plans for tree removal within the City.

Public Works Director Prima responded that it is very difficult to save trees when you regrade. Further, he briefly discussed the process in the City of Lodi for tree removal and the fact that at times there are safety issues needing to be addressed which require the immediate removal of a tree or trees.

The following persons addressed the City Council expressing their displeasure regarding the cutting of trees at Lodi Lake and asking that the project be reviewed so as to prevent any further cutting of trees.

1. Michelle Johnson, 1431 West Locust Street, Lodi.
2. Larry Mallory, 2216 Cabrillo Circle, Lodi.
3. Gerald Houtsma, 900 Kramer Drive, Lodi, suggested that the City lower the proposed levee to 3 feet instead of the planned 6 feet and put in drains for the trees. He also suggested that the City consider boxing in the oak trees.
4. Robert Raingruber, member of the Friends of Lodi Lake, 1217 Mokelumne River Drive, Lodi, stated that he had been following this project very closely but was shocked at the cutting of the trees. He feels the public should have been notified in advance regarding the cutting of these trees.

5. Frank Alegre, 2000 Edgewood Drive, Lodi, complimented the work of the City of Lodi Parks and Recreation Department and indicated that he is not against the project. Mr. Alegre stated that recently the City took out shrubs behind his home that took 27 years to grow. He further stated that residents were not notified in advance of the removal of the shrubs. Mr. Alegre asked a number of questions regarding the Lodi Lake project.
6. Robert Riggle, 712 North Cross Street, Lodi, applauded the fact that the project is going forward, stating that he felt the sidewalk near the wall is very dangerous. Mr. Riggle then talked about the design of bicycle lanes in the City. Mr. Riggle stated that he feels there needs to be a light on Loma and Turner Road. Finally he asked if it is really necessary for the bike path to follow the upper level berm at Lodi Lake Park.
7. Don Womble, Coach at Lodi High School, 11277 North Highway 99, Lodi, stated that he is very concerned about the appearance of the lake and asked if there were plans to remove other trees in Phase 2 of the project. Mr. Womble pleaded that there be no more trees removed.
8. Diane Schroeder, Woodlake Circle, Lodi, stated that she felt this subject should be a matter of discussion at this meeting and questioned if the subject trees were "Heritage Trees". City Attorney Hays explained the procedure for designating trees as "Heritage Trees" and stated that the City of Lodi has not made such a designation. Ms. Schroeder indicated that she would like to know when and where informal meetings were held regarding the project.
9. Robert Johnson, 1311 Midvale Road, Lodi, stated that he feels Dwight Dauber does a great job, that this had not been done in a vacuum and that the program dates back 15 years. Mr. Johnson further stated that discussion regarding this particular project started 2 or 3 years ago.
10. Donna Phillips, also a member of the Friends of Lodi Lake, 1040 Laurel Avenue, Lodi, stated that she is encouraged by the compassion shown by people who addressed the City Council this evening and gave her telephone number for anyone wishing to join the Friends of Lodi Lake.
11. Mary Ann Porterfield, 800 South Mills Avenue, Lodi, stated that she is a visual person and would like to see a visual overlay of the project design depicting the trees that are planned for removal.

With the tacit concurrence of the City Council, no formal action was taken on agenda items #E-17 and #E-19. The Council directed that the staff review the plans for the proposed project and come back to the City Council with an alternate plan at the October 6, 1999 City Council Meeting. Further, staff was directed to bring back to the City Council at the October 6th meeting a resolution that would require the City Manager to be made aware of and grant approval for any tree removal in the City of Lodi unless it was an emergency issue.

Finally, staff was directed to hold a joint Shirtsleeve Session with the Parks and Recreation Commission at 7:00 a.m., Tuesday, October 5, 1999 at Lodi Lake Park to discuss this subject.

7. RECESS

Mayor Land called for a ten-minute recess and the City Council meeting reconvened at approximately 9:10 p.m.

8. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Land called for the Public Hearing to consider a resolution to establish a policy for payment of fence and landscape maintenance in new developments.

Public Works Director Prima reported that previous City policy required new developments having reverse frontage lots to provide a reverse frontage wall/fence at the back of the walk and a 10-foot landscape easement for tree planting on the parcels behind the wall. The developer was responsible for the cost of the trees in the landscape easement, and if the wall was to be publicly maintained, was also required to pay a one-time, lump-sum payment of \$2.75 per linear foot for the maintenance of the wall. Maintenance of the trees in the landscape easement was the responsibility of the homeowner.

Current City requirements regarding reverse frontage fences and landscaping have evolved to include masonry walls with irrigated landscape areas. This has necessitated development of a more comprehensive policy for the maintenance and replacement of these improvements.

The final report and draft policy, including a payment recommendation for funding maintenance and replacement of fences, walls, landscaping and irrigation improvements, prepared by Harris & Associates, was reviewed. The draft policy includes four alternatives: 1) a one-time, lump-sum payment or formation of 2) homeowner's associations, or 3) landscape and lighting districts, or 4) Mello-Roos community facilities districts.

An informational meeting for local developers and engineers affected by the report was held August 30, 1999, at the Lodi Library. There were seven attendees from local development and engineering firms. Representatives from Harris & Associates presented a brief overview of the draft policy alternatives and the meeting was opened to comments and questions from the attendees. There was a brief discussion of the proposed one-time developer payment which included clarification of the methodology and assumptions used to develop the amount. All the developers present voiced reluctance to form homeowner's associations due to litigation concerns. The discussion centered mainly on the feasibility of forming landscape and lighting districts (LLD) or Mello-Roos community facility districts (CFD) to handle on-going maintenance and replacement of fence and landscape improvements.

Staff has serious concerns regarding the LLD and CFD alternatives. The LLD and CFD are subject to referendum under the provisions of Proposition 218. In addition, any future increases in the LLD assessments not included in the original formation are subject to ballot approval by the affected homeowners and could be voted down. If the districts were to be defeated at the ballot box, there would be no revenue stream to cover maintenance costs. The City Council would then be faced with the disagreeable alternatives of allowing the expense to fall on the General Fund or to simply not maintain the improvements.

It is also quite possible that the cost of administering the districts could equal or exceed the cost of maintenance of the fence and landscape improvements. For example, assuming a project with 1,500 feet of reverse frontage wall and landscaping and a maintenance cost of \$1.55 per foot and a 30% reserve, the portion of the annual assessment covering these costs would be approximately \$3,000. Based on the Harris & Associates report, the annual service cost for the district to be included in the assessment would be roughly \$5,000. Therefore, the total assessment would need to be approximately \$8,000 to cover \$3,000 in actual maintenance costs. Obviously, we could reduce this discrepancy by combining districts. However, the administrative costs for one district with two zones would be higher than one single district. If we have four such zones with a maintenance cost of \$12,000 and an administrative cost of \$6,000, the cost ratio is still quite high.

In order not to preclude a developer of a very large project with special features from setting up a district, staff suggested the following paragraph be added to the policy:

Projects that include facilities in excess of typical reverse frontage improvements and suitable for maintenance through a special district will be considered on a case-by-case basis. In those cases, the reverse frontage improvements may be included in the district in lieu of Options 1 and 2.

Staff recommended that Alternatives 3 and 4 of the draft policy be eliminated.

Addressing the City Council was Ronald D. Creagh, Program Manager, Harris & Associates, who had drafted the final letter report and final draft policy on alternatives for funding maintenance and replacement of fences, walls, landscaping and irrigation improvements in subdivisions with reverse frontage lots. Mr. Creagh responded to questions regarding the matter as were posed by members of the City Council.

Hearing Opened to the Public

1. Dennis Bennett, Bennett Realtors, 709 West Kettleman Lane, Lodi, stated that he favored Lighting and Landscaping Districts. Mr. Bennett pointed out that because of lawsuits, homeowner's associations are no longer being formed.
2. Jeff Kirst, 222 West Lockeford Street, Lodi, echoed Mr. Bennett's comments.
3. Frank Alegre, 2000 Edgewood Drive, Lodi, commented that this would only increase the price of homes and stated that the City itself does a poor job of maintaining its landscaped areas. Mr. Alegre stated that homeowner's associations are a terrible thing. Mr. Alegre concluded by stating that the City should clean up its own landscaped areas before it asks citizens to spend more money.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Mayor Pro Tempore Mann, Land second, unanimously adopted Resolution No. 99-147 entitled, "A Resolution Of The Lodi City Council Establishing A Policy And Fee For Fence And Landscape Maintenance In New Developments" with the owner/developer choosing one of the following Alternatives:

1. A one-time, lump-sum payment;
2. Homeowner's associations; and
3. Landscape and lighting districts.

9. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Pro Tempore Mann, Nakanishi second, unanimously rejected the following claims:
 1. Cynthia May Flaherty, date of loss 7/2/99
 2. Marla Baker, date of loss 7/27/99
 3. Carmen Vallejo, date of loss 8/10/99
- b) City Clerk Reimche read the following ABC License:
 1. Lucky Stores Inc. to Albertsons Inc., Albertsons, 530 West Lodi Avenue, Lodi, Off-Sale General, Fiduciary Transfer

Continued September 15, 1999

- c) The City Council, on motion of Council Member Pennino, Mann second, unanimously directed the City Clerk to post for the following vacancies:

Greater Lodi Area Youth Commission

Stephen M. Simpson Term to expire August 30, 2001

San Joaquin County Federal Emergency Management Agency (FEMA) Board

Steve Jarrett Unspecified term limit

Further, staff was requested to look into the concerns expressed in Mr. Jarrett's letter of resignation regarding this agency.

10. **REGULAR CALENDAR**

None.

11. **ORDINANCES**

- a) Agenda item #I-1 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Title 10 – Vehicles And Traffic By Repealing And Reenacting Section 10.44.020(F) 'Prohibited Stopping, Standing Or Parking', Section 10.44.070 'Parking Not To Obstruct Sight Distance', And Section 10.52.050 'Parking Restrictions', To The Lodi Municipal Code Relating To Truck Parking" was introduced by Mayor Land.

Speaking on this matter were the following persons:

1. Gary Lund, P.O. Box 22, Lodi, addressed the City Council regarding the matter stating that he felt the times listed in the ordinance were wrong and should be 7 a.m. and 7 p.m. Mr. Lund, following lengthy comments regarding the ordinance, concluded his remarks by asking that the matter be pulled from this agenda and placed on a future agenda to allow more time for input from the trucking community.
2. Frank Alegre, 2000 Edgewood Drive, Lodi, stated that he feels this is a bad call and that truckers should be able to park in industrial areas. Mr. Alegre stated that he agrees with the ordinance as it pertains to no truck parking in residential areas. Mr. Alegre asked the City Council to reconsider the matter as it pertained to allowing trucks to park in industrial areas.

Following additional discussion and questions being posed to those who had given testimony, Ordinance No. 1680 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Title 10 – Vehicles And Traffic By Repealing And Reenacting Section 10.44.020(F) 'Prohibited Stopping, Standing Or Parking', Section 10.44.070 'Parking Not To Obstruct Sight Distance', And Section 10.52.050 'Parking Restrictions', To The Lodi Municipal Code Relating To Truck Parking" having been introduced at a regular meeting of the Lodi City Council held September 1, 1999 was brought up for passage on motion of Mayor Pro Tempore Mann, Land second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members – Mann, Nakanishi and Land (Mayor)

Noes: Council Members – Pennino

Absent: Council Members – Hitchcock

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Frank Alegre, 2000 Edgewood Drive, Lodi, expressed his concern regarding the policy that was established for the City to match funds on contributions to Hutchins Street Square. Mr. Alegre stated that two pianos had been donated to Hutchins Street Square, one for \$50,000 and one for \$20,000. Mr. Alegre asked who placed the value of these items. He questioned if the pianos were bought with money that should have been donated to the City to reduce the debt. He further stated that any money donated should go to the City to reduce the debt, and he feels this matter should be investigated. Staff was directed to look into the matter.

13. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Mayor Land and other Council Members acknowledged the Government students who were in the audience.

Mayor Land announced that on September 28, 1999 Philomene Perrin will be celebrating her 100th birthday and wished her a very happy birthday.

Mayor Land announced that on Saturday, September 25, 1999, from noon until 4 p.m., Kids Day America '99' will be held at 245 East Kettleman Lane, Lodi, featuring all kinds of activities for youngsters.

Mayor Land stated that the air show *Wings Over Stockton* will be held September 23, 1999 and September 24, 1999 in Stockton. The Mayor cautioned Lodi citizens not to be alarmed if they see strange aircraft flying over our City those days as those aircraft will be a part of the air show.

Mayor Land announced that this weekend Thursday, September 16, 1999 through Sunday, September 19, 1999, the Lodi Grape Festival and Harvest Fair will be held. The Mayor highlighted some of the events taking place including the Kiddies Parade on Saturday, September 18th and the Grand Parade on Sunday, September 19th. The Mayor encouraged all citizens of Lodi to attend.

- b) City Manager Flynn announced that SB14 is now on the Governor's desk for signature and urged that people either fax the Governor's Legislative Secretary, Linda Adams, at (916) 445-2841 or telephone her at (916) 445-4633 urging that he sign this bill which includes \$300,000 for Lodi Lake Park improvements.

14. CLOSED SESSION

Mayor Land adjourned the City Council meeting at approximately 10:30 p.m. to a Closed Session to discuss the following matters:

- a) Actual litigation: Government Code §54956.9(a). One case. *Fireman's Fund Insurance Company v. City of Lodi, et al.*, United States District Court, Eastern District of California Case No. CIV-S-98-1489 LKK PAN **This matter was not discussed.**
- b) Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding Lodi Police Officers' Association (LPOA) pursuant to Government Code §54957.6
- c) Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding Lodi Police Dispatchers' Association (LPDA) pursuant to Government Code §54957.6
- d) Review ground lease amendment of City property; the negotiating parties are Lodi Boys and Girls Club and the City of Lodi **This matter was not discussed.**

Continued September 15, 1999

15. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 10:55 p.m., and disclosed that there were no final actions taken in this matter:

16. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at approximately 10:55 p.m.

ATTEST:

Alice M. Reimche
City Clerk